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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 NATHAN J. HUELLE,

8 Plaintiff,

9 v.

10 MARIO SAUCEDA, and  
11 BERRI GORSUCH,

12 Defendants.

NO: 2:18-CV-0084-TOR

ORDER GRANTING DEFENDANT  
MARIO SAUCEDA'S MOTION TO  
DISMISS

13 BEFORE THE COURT is Defendant Mario Saucedá's Motion to Dismiss  
14 for Failure to Serve (ECF No. 13). The Motion was submitted for consideration  
15 without oral argument. Plaintiff Nathan J. Huelle has not filed a response to the  
16 Motion. The Court has reviewed the briefing, the record, and files herein, and is  
17 fully informed.

18 Defendant Mario Saucedá requests the Court dismiss Plaintiff's Complaint  
19 against him because Plaintiff has not served Mr. Saucedá. ECF No. 13 at 3.  
20 Federal Rule of Civil Procedure 4(m) provides:

ORDER GRANTING DEFENDANT MARIO SAUCEDA'S  
MOTION TO DISMISS ~ 1

1 If a defendant is not served within 90 days after the complaint is filed, the  
2 court—on motion or on its own after notice to the plaintiff—must dismiss  
3 the action without prejudice against that defendant or order that service be  
made within a specified time. But if the plaintiff shows good cause for the  
failure, the court must extend the time for service for an appropriate period.

4 Plaintiff Nathan J. Huelle filed the “Amended Complaint” on March 5, 2018.

5 Huelle twice moved for an extension of time to serve the named defendants. The

6 Court granted both requests, extending the deadline for serving the defendants to

7 October 29, 2018. ECF Nos. 5; 7. Saucedo filed the Motion to Dismiss for Lack

8 of Service (ECF No. 13) on November 8, 2018. Huelle has not filed a Response,

9 nor is there any indication that Saucedo was ever served. Because Huelle has not

10 complied with the last order and has not responded to Saucedo’s Motion to Dismiss

11 (ECF No. 13), the Court will dismiss the action against Saucedo without prejudice.

12 **IT IS HEREBY ORDERED:**

13 Defendant Mario Saucedo’s Motion to Dismiss (ECF No. 13) is

14 **GRANTED.**

15 The District Court Executive is hereby directed to enter this Order, furnish a  
16 copy to Plaintiff at his last known address, and adjust the docket accordingly.

17 DATED January 4, 2019.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
Chief United States District Judge